

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Case# 12 – cv 12020

Residential Capital, LLC, et al
Debtor

v.

U.S. Trustee -United States Trustee
33 Whitehall Street
21st Floor
New York, NY 10004
(212) 510-0500

Claims and Noticing Agent
Kurtzman Carson Consultants
2335 Alaska Ave
El Segundo, CA 90245

FILED
U.S. BANKRUPTCY COURT
2012 SEP 25 P 1:53
S.D. OF N.Y.

Amended

“Motion for Stay to Order regarding Limited Relief from Stay” until Order on “Motion to Void Pleadings & Sanctions due to violation of Bankruptcy Code” is Issued by the court. (Filed by Kenneth Taggart)

Prior Pleadings Incorporated

Kenneth Taggart, Pro Se, hereby incorporates any and all prior pleadings regarding the forgoing motion by reference to Motion dated September 6, 2012 , and received by the court on September 10, 2012 (Doc #1397). Also referencing Doc #1114, original Motion filed, and Doc #1430, the scheduling of Motion for hearing on October 10, 2012.

Amended Pleading

Kenneth Taggart, Pro Se, hereby amends the Motion dated September 6, 2012 Regarding Stay, Sanctions, & Motion to Void Pleadings in the case pending in ,“The Court of Common Pleas”, Montgomery County, Pennsylvania (GMAC Mortgage, LLC v. Taggart, case #2009-35338).

This amended pleading & Motion shall hereby include two cases involving Interlocutory Appeals to The Superior Court of Pennsylvania (#1305 EDA 2012 & #1972 EDA 2012), from the case in The Court of Common Pleas in Montgomery County, Pennsylvania (case #2009-35338).

GMAC Mortgage, LLC never even filed a “Notification of Bankruptcy”

In both appeals filed in Superior Court, GMAC,LLC failed to even notify the court of their filing of Bankruptcy. Case #1305 EDA 2012, Supp. Pa, was filed on April 27, 2012 and was later Quashed by the court “Sua Sponte”; This case is being appealed to The Pennsylvania Supreme Court, via Notice of Appeal filed September 17,2012 to The Pennsylvania Supreme Court. See attached transcript of , “Case #1305 EDA 2012, Supp, Pa”, showing that there was in fact no “Notice of Bankruptcy” filed with the court in this case.

Case #1972 EDA 2012, Supp., Pa. is still pending in Superior Court of Pennsylvania with no “Notice of Bankruptcy” filed with the court in this case. See attached transcript of , “Case #1972 EDA 2012, Supp., Pa”, showing that there was in fact no “Notice of Bankruptcy” filed with the court in this case.

GMAC again violated Bankruptcy Code

GMAC Mortgage, LLC has again violated The Federal Bankruptcy Code and Order for Stay in the two appeals filed in Superior Court of Pennsylvania. No filings were made whatsoever with this court in either case.

Compensation & Sanctions Clearly Warranted

The apparent willful actions of GMAC Mortgage, LLC clearly warrant compensation to Taggart in all of the cases in which Taggart was misled and prejudiced by the action or inactions regarding the bankruptcy proceedings. Furthermore, the court should sanction the court for the clear & willful violations of The Federal Bankruptcy Code and this court; sanctions by the court

"All Pleadings Void" due to Bankruptcy Code, Rules of The Court & Orders

For the foregoing reasons set forth in these pleadings, it is obvious that GMAC Mortgage, willfully violated The Federal bankruptcy Code, rules and Orders of The Court, and the court is obligated to "Void" all pleadings that were made for the foregoing violations. All pleadings should be Declared Void by this court for the two cases in The Superior Court Cases in Pennsylvania, Case 1305 EDA, 2012 & Case 1972, EDA, 2012.

Sanctions Against GMAC Mortgage, LLC

Kenneth Taggart, hereby requests that sanctions be granted against GMAC Mortgage, LLC, in the form of compensation to Kenneth Taggart, for all time and costs related to the pleadings that violated the Bankruptcy Code, Rules & Stay. Kenneth Taggart also requests that the court grant sanctions against GMAC Mortgage, LLC in the amount or form in which the court deems just and proper for said violations

Kenneth Taggart hereby requests this court ***"Void All Pleadings"*** that violated the Federal Bankruptcy Code, Rules and Stay. The court should also impose its own sanctions upon GMAC Mortgage, LLC & Counsel

Plaintiff requests a hearing on October 10, 2012, on all "Motions to Void Pleadings & Sanctions"

There is already a hearing date set of October 10, 2012 for the Motions to Void Pleadings & Sanctions; Kenneth Taggart requests the amended pleading(s) be heard on the same date with no change in the hearing date or schedule.

Kenneth Taggart, Pro Se


September 25, 2012

EXHIBIT “A”

GMAC/TAGGART USBC. SDNY 9.25.12/void

3:03 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1972 EDA 2012

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September 17, 2012

CAPTION

GMAC Mortgage LLC
LBA Financial Group, LLC
Eagle Nationwide Mortgage Company
v.
Kenneth J. Taggart
Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal
Case Status: Active
Case Processing Status: August 17, 2012 Awaiting Appellant Paperbooks
Journal Number:
Case Category: Civil Case Type(s): Mortgage Foreclosure

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
1305 EDA 2012	Related
Similar Issue(s)	

SCHEDULED EVENT

Next Event Type: Appellant Brief Filed Next Event Due Date: September 26, 2012
Next Event Type: Appellant Reproduced Record Filed Next Event Due Date: September 26, 2012

COUNSEL INFORMATION

Appellant Taggart, Kenneth J.

Pro Se: Yes

IFP Status:

Pro Se: Taggart, Kenneth J.
Address: 45 Heron Road
Holland, PA 18966

Phone No:

Fax No:

Appellee GMAC Mortgage LLC

Pro Se: No

IFP Status:

Attorney: Guerin, Maria Teresa
Law Firm: Reed Smith, L.L.P.
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3:03 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

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COUNSEL INFORMATION

Appellee **Eagle Nationwide Mortgage Company**
Pro Se: No
IFP Status:
Attorney: Moffitt, William Christian
Law Firm: Fox Rothschild, L.L.P.
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
06/04/2012	Notice of Appeal	73.50	07/25/2012	2012-SPR-E-001278	73.50

AGENCY/TRIAL COURT INFORMATION

Court Below: Montgomery County Court of Common Pleas
County: Montgomery **Division:** Montgomery County Civil Division
Order Appealed From: May 31, 2012 **Judicial District:** 38
Documents Received: July 25, 2012 **Notice of Appeal Filed:** June 4, 2012
Order Type: Order Dated
OTN(s):
Lower Ct Docket No(s): 09-25338
Lower Ct Judge(s): Moore, Bernard A.
 Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Record In (12) Parts	August 17, 2012	
Exhibits	August 17, 2012	1 Folder Filed

Date of Remand of Record:

BRIEFING SCHEDULE

Appellant	Appellee
Taggart, Kenneth J.	Eagle Nationwide Mortgage Company
Brief	Brief
Due: September 26, 2012	Filed:
Reproduced Record	GMAC Mortgage LLC
Due: September 26, 2012	Filed:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 25, 2012	Notice of Appeal Docketed	Appellant	Taggart, Kenneth J.
	Comment: See No. 1305 EDA 2012.		
July 25, 2012	Docketing Statement Exited (Civil)		Bramblett, Karen Reid

3:03 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1972 EDA 2012

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September 17, 2012

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 3, 2012	Application to Quash Appeal	Appellee	GMAC Mortgage LLC
August 8, 2012	Application for Extension of Time to File	Appellant	Taggart, Kenneth J.
	Comment: Application for Extension of Time to File Answer to Application to Quash Appeal and Docketing Statement		
August 14, 2012	Order Granting Application for Extension of Time to File Docketing Statement		Per Curiam
	Document Name: & Response		
	Comment: Response shall be filed on or before 9/10/2012.		
	Docketing statement shall be filed on or before 8/22/12.		
	No further extensions will be granted.		
August 17, 2012	Trial Court Record and Opinion Received		Montgomery County Court of Common Pleas
August 22, 2012	Docketing Statement Received (Civil)	Appellant	Taggart, Kenneth J.
September 10, 2012	Application for Stay	Appellant	Taggart, Kenneth J.
	Comment: Appellant's Brief to Show Cause Why Appeal Should Not Be Quashed & "Motion for Stay"		
September 17, 2012	Order		Per Curiam

EXHIBIT “B”

3:05 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1305 EDA 2012

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September 17, 2012



CAPTION

GMAC Mortgage LLC
LBA Financial Group, LLC
Eagle Nationwide Mortgage Company

v.

Kenneth J. Taggart
Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal
Case Status: Decided/Active
Case Processing Status: August 15, 2012 Awaiting Remittal
Journal Number:
Case Category: Civil Case Type(s): Civil Action Law

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
1972 EDA 2012	Related
Similar Issue(s)	

SCHEDULED EVENT

Next Event Type: Original Record Received Next Event Due Date: June 26, 2012
Next Event Type: Record Remitted Next Event Due Date: September 14, 2012

COUNSEL INFORMATION

Appellant Taggart, Kenneth J.

Pro Se: Yes

IFP Status:

Pro Se: Taggart, Kenneth J.
Address: 45 Heron Road
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Phone No: Fax No:

Appellee GMAC Mortgage LLC

Pro Se: No

IFP Status:

Attorney: Guerin, Maria Teresa
Law Firm: Reed Smith, LLP
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3:05 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1305 EDA 2012

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September 17, 2012



COUNSEL INFORMATION

Appellee Eagle Nationwide Mortgage Company

Pro Se: No

IFP Status:

Attorney: Moffitt, William Christian

Law Firm: Fox Rothschild, L.L.P.

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
04/27/2012	Notice of Appeal	73.50	05/08/2012	2012-SPR-E-000859	73.50

AGENCY/TRIAL COURT INFORMATION

Court Below:	Montgomery County Court of Common Pleas		
County:	Montgomery	Division:	Montgomery County Civil Division
Order Appealed From:	April 5, 2012	Judicial District:	38
Documents Received:	May 8, 2012	Notice of Appeal Filed:	April 27, 2012
Order Type:	Order Dated		
OTN(s):			
Lower Ct Docket No(s):	09-25338		
Lower Ct Judge(s):	Tilson, Arthur R. Judge		

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description

Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 8, 2012	Notice of Appeal Docketed	Appellant	Taggart, Kenneth J.
	Comment: See No. 1972 EDA 2012.		
May 8, 2012	Docketing Statement Exited (Civil)		Bramblett, Karen Reid
May 22, 2012	Docketing Statement Received	Appellant	Taggart, Kenneth J.

3:05 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1305 EDA 2012



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September 17, 2012

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 11, 2012	Order - Rule to Show Cause		Per Curiam

Comment: This appeal has been taken from the April 5, 2012 order denying the defendant's motion to dismiss. Pa.R.A.P. 341(b)(1) states: "A final order is any order that disposes of all claims and of all parties." Accordingly, appellant is directed to show cause as to the basis of this Court's jurisdiction over this matter. This statement is due within 10 days of the date of this order. Failure to respond to this Court's directives may result in the quashal/dismissal of this appeal without further notice.

*7/20/12 - Response to Show Cause Rec'd

August 15, 2012	Quash Sua Sponte		Per Curiam
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Comment: This appeal has been taken from the April 5, 2012 order denying the defendant's motion to dismiss. Pa.R.A.P. 341(b)(1) states: "A final order is any order that disposes of all claims and of all parties." Accordingly, the appeal at No. 1305 EDA 2012 is hereby QUASHED.

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Per Curiam
Category:	Disposed Before Decision	Disposition Date:	August 15, 2012
Disposition:	Quash Sua Sponte		
Disposition Comment:	This appeal has been taken from the April 5, 2012 order denying the defendant's motion to dismiss. Pa.R.A.P. 341(b)(1) states: "A final order is any order that disposes of all claims and of all parties." Accordingly, the appeal at No. 1305 EDA 2012 is hereby QUASHED.		
Dispositional Filing:		Filing Author:	
Filed Date:			

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SOUTHERN DISTRICT OF NEW YORK

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El Segundo, CA 90245

ORDER

AND NOW, this _____ day of _____, 2012, upon consideration of
Defendant, Kenneth J Taggart's, "*Amended Motion to Void Pleadings*" dated September
25, 2012, any response thereto,

It is Ordered that Defendant's Motion is GRANTED .

All pleadings, from May 14, 2012 – September 7, 2012 in the case GMAC v Taggart in
Montgomery County Court of Common Pleas, case # 2009- 25338 shall be null and void by
order of The United States Bankruptcy Court.

BY THE COURT:
